

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JEANNETTE MILLER) CIVIL NO. 04-00441 BMK
) (Admiralty)
Plaintiff,)
vs.) AFFIDAVIT OF
) MARK S. HAMILTON
)
)
MAUI OCEAN ACTIVITIES, INC.)
("MOA"), THEODORE C. KING,)
BETH D. KING, <i>In Personam</i> and)
MOA VESSEL, <i>In Rem</i> ,)
)
)
Defendants.)
)
)
)
)
)

AFFIDAVIT OF MARK S. HAMILTON, ESQ.

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HAWAII)

MARK S. HAMILTON, being first duly sworn on oath, deposes and states that:

1. I am an attorney licensed to practice law before all courts in the State of Hawaii and am one of the attorneys representing Defendants MAUI OCEAN

ACTIVITIES, INC., THEODORE C. KING, BETH D. KING, and MOA VESSEL (“Defendants”) in this case.

2. I have personal knowledge of the matters set forth herein and am competent to testify thereto in a court of law.

3. Attached as Exhibit “A” is a true and accurate copy of the Declaration of Theodore C. King.

4. Attached as Exhibit “B” is a true and accurate copy of the written statement of Douglas Rideout, captain of the MOA vessel on the day of the incident, also recorded as Exhibit 1 to the June 27, 2006 deposition of Douglas Rideout.

5. Attached as Exhibit “C” is a true and accurate copy of the transcript of the June 27, 2006 deposition testimony of Douglas Rideout.

6. Attached as Exhibit “D” is a true and accurate copy of Plaintiff JEANNETTE MILLER’s Complaint against the State of Hawaii, Civil No. 05-1-0149K.

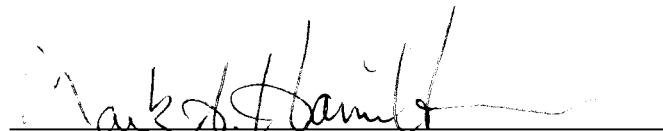
7. Attached as Exhibit “E” is a true and accurate copy of the transcript of the June 27, 2006 deposition testimony of Jesse Kunewa.

8. Attached as Exhibit “F” is a true and accurate copy of the transcript of the June 27, 2006 deposition testimony of Jeff Watson.

9. Attached as Exhibit “G” is a true and accurate copy of State of

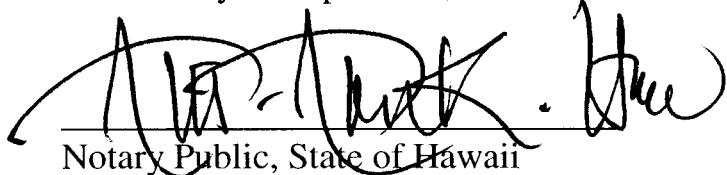
Hawaii, Department Of Land and Natural Resources, Division of Boating & Ocean Recreation, Small Boat Harbors Commercial Permit.

FURTHER AFFIANT SAYETH NAUGHT.



MARK S. HAMILTON

Subscribed and sworn to before me
this 7th day of September, 2006.



Notary Public, State of Hawaii

L.S.

Avis-Ann K. Hee

Printed Name of Notary

My commission expires: January 9, 2009